

27795. Misbranding of honey. U. S. v. 26 Cartons of Honey (and one other seizure action against the same product). Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 40047 to 40050, incl. Sample Nos. 50768-C to 50771-C, incl., 51129-C.)

This product was short of the declared weight.

On August 9 and August 12, 1937, the United States attorneys for the Western District of Washington and the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 26 cartons of honey at Seattle, Wash., and 266 cases of honey at Spokane, Wash., alleging that the article had been shipped in interstate commerce by R. D. Bradshaw & Sons from Wendell, Idaho, in various shipments on or about February 27, April 20, and July 28, 1937, and charging misbranding in violation of the Food and Drugs Act as amended. Portions of the article were labeled: (Cans) "Bradshaw's Clover Blossom Honey Net Weight 9 Lbs. [or "5 Lbs" or "1 Lb"] * * * R. D. Bradshaw & Sons * * * Wendell, Ida." The remainder was labeled: (Jar) "Bradshaw's Pure Honey Net Wt. 17 Oz. Wendell, Idaho."

The article was alleged to be misbranded in that the statements of the weight declared on the labels, namely, "Net Weight 9 Lbs. [or "5 Lbs," "1 Lb.," or "17 Oz.]," were false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On September 2 and September 7, 1937, R. D. Bradshaw having appeared as claimant on behalf of R. D. Bradshaw & Sons, and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27796. Adulteration and misbranding of punch. U. S. v. 4 Cases, et al., of Punch. Default decree of condemnation and destruction. (F. & D. Nos. 40054, 40055. Sample Nos. 20948-C to 20952-C, incl., 20955-C, to 20959-C, incl.)

These products were all misbranded because the labels failed to bear a plain and conspicuous statement of the quantity of contents. With the exception of the lemon and lime and the orange types, all were adulterated because they were mixed and colored in a manner whereby inferiority was concealed; and were misbranded because of the prominence of the name and the obscure declaration of imitation fruit flavor, fruit acid, and certified color which was printed vertically at one side.

On August 11, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 41 cases of punch at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about June 17 and July 15, 1937, by the Roma Extract Co., Inc., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Roma Punch [or "Three Star Punch"] * * * Imitation Fruit Flavor, Sugar Syrup, Fruit Acid, and Certified Color Roma Extract Co. Inc., Boston, Mass." Certain types were labeled further: "Cherry" [or "Raspberry," "Strawberry," or "Grape"] Flavor."

The cherry, raspberry, strawberry, and grape varieties were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

The said varieties were alleged to be misbranded in that the statements, "Punch Cherry Flavor," "Punch Raspberry Flavor," "Punch Strawberry Flavor," and "Punch Grape Flavor," were false and misleading and tended to deceive and mislead the purchaser when applied to artificially colored and flavored acid solutions; and the misleading impression conveyed by the name, which was prominently displayed on the principal panel, was not corrected by the obscure declaration of imitation fruit flavor, fruit acid, and certified color. They were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, strawberry, grape, cherry, and raspberry flavors. The libels charged that the said varieties were misbranded further and that the lemon and lime and orange types also were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27797. Misbranding of orange juice. U. S. v. 52 Cases of Orange Juice. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40058. Sample No. 45755-C.)

This product was short of the declared volume.

On or about August 12, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cases of orange juice at Waterloo, Iowa, alleging that the article had been shipped in interstate commerce on or about February 8, 1937, by Val Vita Food Products, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Dinner Party Orange Juice Contents 15 Fl. Oz. * * * Smith, Lichty & Hillman Co., Distributors, Waterloo, Iowa."

The article was alleged to be misbranded in that the statement "Contents 15 Fl. Oz.," borne on the can, was false and misleading and tended to deceive and mislead the purchaser since the cans contained less than 15 fluid ounces. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement on the label was incorrect.

On September 4, 1937, Smith, Lichty & Hillman Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27798. Adulteration of apples. U. S. v. 10 Bushels of Melba Apples. Default decree of condemnation and destruction. (F. & D. No. 40075. Sample No. 67416-C.)

This product was contaminated with lead.

On July 23, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bushels of apples at Philadelphia, Pa., alleging that they had been shipped in interstate commerce on or about July 22, 1937, by Lester Collins from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27799. Adulteration of butter. U. S. v. 193 Tubs, 100 Tubs, and 2 other shipments of Butter. Decrees of condemnation. Product released under bond. (F. & D. Nos. 40079, 40084, 40178, 40185. Sample Nos. 27220-C, 34068-C, 34069-C, 37221-C, 37222-C, 49503-C.)

This product contained less than 80 percent of milk fat; and samples taken from one shipment were found to contain mold, insects, and other filth.

On or about July 19, July 27, August 9, and August 11, 1937, the United States attorneys for the Southern District of New York and Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 193 tubs of butter at New York, N. Y., and 590 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various shipments on or about June 26 and July 6, 7, and 10, 1937, by the Pruitt Produce Co. from Ardmore, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat. The lot seized at New York was alleged to be adulterated further in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On August 20 and September 8, 1937, the Pruitt Produce Co., Ardmore, Okla., and Miles Friedman, Inc., Chicago, Ill., having appeared as claimants for their